

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

DANNY W. MARTIN §  
VS. § CIVIL ACTION NO. 5:08cv174  
SHERIFF, RED RIVER COUNTY §

MEMORANDUM ORDER REGARDING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Danny W. Martin, an inmate formerly confined at the Red River County Jail, proceeding *pro se*, brought this petition for writ of habeas corpus.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the above-styled petition be dismissed without prejudice.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

**SIGNED this 3rd day of August, 2009.**

  
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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE